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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 115th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 January 1994, at 10 a.m.

Chairperson: Mrs. BADRAN

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* The summary record of the second part (closed) of the meeting appears as document CRC/C/SR.115/Add.1.

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Colombia (continued) (CRC/C/8/Add.3; CRC/C.5/WP.2)

1. The CHAIRPERSON invited the members of the Committee on the Rights of the Child to make general remarks or any further specific points concerning the report of Colombia (CRC/C/8/Add.3). She pointed out that the Committee would also have to decide whether it was in a position at present to formulate concluding remarks or only preliminary ones.

2. Mrs. BELEMBAOGO said that few of the Committee's concerns had been fully answered by the representatives of Colombia. Most of the information given orally and in the report (CRC/C/8/Add.3) referred to plans and intentions which had not yet been put into practice, and much still remained to be done to implement the legislation concerning children and to bring it into line with the requirements of the Convention on the Rights of the Child. The Colombian Government should take vigorous action to combat the many kinds of abuse of children, investigating the cases brought to its attention and establishing procedures for handling complaints by the parents of victims.

3. She therefore proposed that Colombia should submit a second report providing written answers to the questions put by members of the Committee. In particular, the Government should consider establishing machinery for coordinating and monitoring the implementation of the Convention, with full involvement of non-governmental organizations (NGOs). It should also ratify the 1973 Minimum Age Convention (No. 138) of the International Labour Organisation, investigate all reports of the disappearance or kidnapping of children, and make a commitment to collaborate with ILO and the United Nations Children's Fund (UNICEF) on programmes to help children in especially difficult circumstances.

4. Mr. HAMMARBERG said that the discussions in the Committee were not an examination which Governments passed or failed but were intended to be helpful in improving the protection of the rights of the child. As in several other cases, the discussion of the report of Colombia had been about plans and legislation rather than about real life. Many positive aspects of the situation in Colombia had emerged, but there had not been a constructive discussion of the main elements of children's daily life. That was partly because the situation in Colombia was so serious: what was at stake appeared to be the value of children as human beings and respect for their lives. Thousands of children had been killed in an attempt to cleanse parts of cities of what were regarded as undesirable elements. The authorities must take decisive action to halt the spread of that cancer. In addition, many children were exploited in child labour, many were extremely poor, and many were malnourished.

5. Against that background, the report could not be regarded as a sufficient response. The term "to the maximum extent" used in article 4 of the Convention meant that the Colombian authorities must take a new attitude to children, and at some point the Committee must conduct a concrete discussion

of the very important issues which it had raised. He therefore supported the proposal made by Mrs. Belembaogo concerning the submission of a second report. The Committee's conclusions must meanwhile be regarded as preliminary.

6. Mrs. SANTOS PAIS said that most of the information provided by Colombia concerned general measures defining a framework for action. It was not clear how that framework would become operational for the children of Colombia. The Colombian Government needed to give attention to three particular points. Firstly, it should establish a mechanism to evaluate the gap between legislation and practice. Secondly, it should take special steps to help the most vulnerable groups, especially in rural, indigenous and poor communities. Thirdly, it should ensure full implementation of the general principles of the Convention and determine its budget allocations in the light of those principles.

7. The Committee needed more information about the situation at the community and family levels where special measures would be needed to change attitudes; NGOs could do much to help in that regard. The legal system needed to be reinforced to combat violence against children in the family and the torture of children. In particular, the penalties imposed on persons who abused children must be publicized in order to eliminate people's fear of reporting cases of abuse. The question of child labour also required attention, in particular with regard to the large numbers of children working in the informal sector where proper protection was difficult. The Colombian Government should accede to several ILO conventions, including Convention No. 138.

8. With regard to street children, the comment had been offered that such children were free and happy to live in the street. It was indeed a sad situation if children thought the street was the best place to live their lives. The problem must be tackled by means of preventive measures and by involving children in the implementation of policies for their protection.

9. The report's linkage of poverty with criminality was a source of concern. No one should assume that poor children would inevitably turn to crime. Such a situation would indicate something wrong in the society rather than in the values of the children. Another source of concern was the common practice of children being deprived of their liberty from an early age. Such children must be given access to assistance and the right to challenge the legality of their sentences. In many cases children were kept for far too long in pre-trial detention. The authorities should establish a register of all detained children so that their cases could be monitored.

10. Mgr. BAMBAREN GASTELUMENDI said that he agreed with the previous speakers that the Committee must have written answers to the very specific questions posed orally and in the list of issues (CRC/C.5/WP.2).

11. The representatives of Colombia had described vividly the country's difficult economic and social situation. However, in view of Colombia's enormous resources it was astonishing that 42 per cent of children still lived in poverty. And Colombia's economic growth was clearly not benefiting the whole country, for 65 per cent of families had to spend almost 100 per cent of their income on food. Capital was heavily concentrated in a few hands and

while the country's industrial growth was commendable the focus was mainly on export and luxury goods. The situation of poverty in Colombia was very worrying and had a profound impact on children.

12. There were enormous problems connected with street children, abandoned children and family violence, not to mention the death squads which sought to wipe out children considered undesirable simply because they were an economic and social liability. It would be useful to have clearer statistics about those problems, for there were large discrepancies in the figures given in the report.

13. He was particularly worried about the behaviour of the police and the armed forces, an area where there seemed to be a big gap between the law and the reality of the situation. Much good work was being done in education, especially in collaboration with the UNICEF regional office, but the education provided to children in schools was often irrelevant to the situations which they encountered in their daily lives.

14. He endorsed the recommendations made by the World Organization against Torture in its communication on Colombia dated 11 January 1994 relating to abuse of the rights of children. Furthermore, the matters raised by that organization in its letter to the Committee dated 17 January 1994 required full investigation.

15. Another source of concern was the unfavourable family environment in which many children lived. There had also been mistakes in the sex education of children which were the probable reason for the increasing numbers of pregnant adolescents and single mothers. Action was needed to ensure a wholesome and integrated family life for children.

16. He endorsed the concern expressed by Mrs. Santos Pais concerning poor and indigenous communities. There were also other emerging situations requiring close attention and investigation, for example, the traffic in human organs in Argentina, Mexico and Colombia reported recently in a Swiss television programme.

17. Mrs. SARDENBERG said that it was true that as it began its dialogue with Colombia the Committee was in a difficult situation because of the lack of written answers to its questions. It was clear from the report and the information given orally that Colombia was undergoing a difficult process of economic and social adjustment, as well as having to combat drug trafficking, violence and terrorism. Nevertheless, although the policies adopted by the Government indicated its good intentions, the marginalized sections of the population still had no access to assistance. The Committee needed further information about the programmes and their effects on children, especially with regard to the special measures for children in very difficult circumstances.

18. She endorsed in particular the suggestion by Mrs. Santos Pais that Colombia should establish machinery to evaluate its programmes. It was not clear from the report whether the programmes were being carried out in

collaboration with UNICEF and other specialized agencies, which could be of enormous assistance in meeting the needs of children in very difficult circumstances.

19. Mrs. EUFEMIO said that what was needed was a basic study on the situation of children in very difficult circumstances. The measures for poverty alleviation might not be having the necessary multiplier effect on children in that category. Only an expert study could identify the economic and social considerations on which the plans to help such children should be based. Such a study must be carried out within the next five years so that proper adjustments could be made to Colombia's plans and programmes.

20. Mr. KOLOSOV said that the information already available as well as that provided by the Colombian delegation made it clear that Colombia's children were beset by extremely serious problems. For instance, in rural areas school enrolment was low (80 per cent) and the quality of teaching was unsatisfactory. Large numbers of children were regularly abused, lived on the streets and were involved in armed conflicts Approximately 10,000 minors appeared before the juvenile courts each year. In rural areas many children worked outside the household. Child prostitution was widespread.

21. The Government of Colombia must realize that a better life for the population could be secured only by improving the situation of children, far too many of whom lived below the poverty line and were poorly educated. One possible solution might be the introduction of urgent reforms. Such reforms should guarantee children adequate education and nutrition, as well as create an awareness of their rights. First and foremost, teachers' salaries should be raised and training methods improved. Other reforms included the strict application of the law for violations of children's rights, improved monitoring of observance of national legislation and the organization of training courses for all persons working with children.

22. The CHAIRPERSON said that the purpose of the dialogue with the Committee was twofold, namely, to assess the situation of children in the reporting country and to identify ways of improving their situation. However, in view of the insufficient information furnished by the Colombian delegation, the Committee had been unable to assess the situation in Colombia properly and it therefore considered the report submitted as well as its comments on it as preliminary. While the Committee was appreciative of the work performed in drafting the report and the efforts of the delegation to reply to all the issues raised, it could not overlook the fact that many areas of Colombian life required improvement. The failure of the national economy was reflected in the large percentage of the population living below the poverty line. There were problems in the State security system where violence and torture were commonplace. The unresolved cases of missing persons encouraged practices such as the sale and trafficking of organs. The disintegration of family life was forcing children on to the streets. The education and health services provided by the State left much to be desired. The general attitude of Colombian society towards children must be changed.

23. She therefore suggested that the Colombian delegation should provide additional information and more detailed replies to the list of issues drawn up by the Committee. Such information, which should be submitted to the

Centre for Human Rights not later than mid-February, would enable the Committee to make a more accurate assessment of the situation and issue its concluding recommendations accordingly. The Government of Colombia might enlist the services of other international organizations such as the United Nations Children's Fund, the International Labour Organisation, the United Nations High Commissioner for Refugees and the World Health Organization in collecting the additional information required. NGOs active in Colombia might also provide useful input and the Centre for Human Rights might offer assistance, upon request.

24. Mr. KOLOSOV said he feared that the three or so weeks available before the proposed deadline of mid-February would not allow the Colombian delegation sufficient time to compile the kind of information that was required.

25. The CHAIRPERSON said that the deadline of mid-February had been suggested following consultations with the Colombian delegation. However, that deadline could be extended if the delegation so wished.

26. Mrs. GALAN (Colombia) said that since any assistance necessary could be swiftly coordinated with UNICEF she was confident that the additional information could be provided within the original deadline suggested. Moreover, in view of the importance of the issues at stake, it would be unwise to postpone the matter further.

27. The CHAIRPERSON, replying to a question by Mrs. SANTOS PAIS, said that while the services of the Centre for Human Rights could be enlisted in connection with the implementation of programmes, international organizations such as UNICEF, which had appropriately qualified staff in the field, could help the Colombian delegation to compile the necessary information.

28. Mrs. SARDENBERG said the proposed deadline should allow the Colombian delegation sufficient time to provide the additional information required in connection with the list of issues.

29. The CHAIRPERSON pointed out that many of the items in the list of issues had been covered in the written replies in Spanish provided by the Colombian delegation which would take some time to translate.

30. Mr. KOLOSOV, said that while he appreciated the willingness of the Colombian delegation, he wished to stress that the purpose of the dialogue with the Committee was not merely to provide information but also to improve the situation of children in the reporting country. He hoped that the preliminary observations of the Committee and results of the dialogue with it would be the subject of a high-level debate by the Colombian authorities. He sought clarification as to who would take part in such discussions.

31. Mrs. GALAN (Colombia) said that the additional information would be prepared by the body which had drafted the preliminary report and replies to the list of issues. In answer to Mr. Kolosov, she said that a high-level meeting was scheduled for the month of April to discuss the implementation of the National Programme of Action in Favour of Children. Since representatives

of all concerned government bodies and departments would be present, it would be an ideal opportunity to discuss the outcome of the dialogue with the Committee and to obtain any additional information that was required.

32. The CHAIRPERSON suggested that in view of the time required for processing and translating the information to be provided by the Colombian delegation the deadline for submission should be extended until the end of February.

33. It was so decided.

34. Mgr. BAMBAREN GASTELUMENDI, referring to the concern expressed by Mr. Kolosov, said that the additional information provided by the Colombian delegation and the conclusions of the Committee would help the Colombian Government to take stock of the situation and to take appropriate action. He hoped that the additional information would be submitted as soon as possible so as to allow adequate time for its translation.

35. Mrs. GALAN (Colombia) said that her delegation welcomed the opportunity to meet the Committee and hear its views on the situation of children in Colombia, the progress made so far and improvements still required. She then drew attention to some educational material relating to children's issues, widely available in Colombian educational establishments, social centres and at the community level, which was available for consultation by the Committee. She would also circulate some informative posters and a video, in Spanish, on the survival, protection, participation and development of children, which was used to create awareness on children's issues among civil servants and the public at large. She looked forward to continuing the valuable dialogue with members of the Committee in the future.

36. The CHAIRPERSON, after stressing the importance of follow-up activities, thanked all those who had participated in the constructive dialogue as well as the representatives of United Nations specialized agencies and NGOs who had attended the meetings.

The public meeting rose at 11.25 a.m.